

**Newburyport Conservation Commission**  
**July 7, 2020**  
**Online Meeting**  
**Minutes**

**1. Call to Order**

Vice Chair Steve Moore called a meeting of the Newburyport Conservation Commission to order at 6:45 p.m.

**2. Roll Call**

In attendance were members Steve Moore, Paul Healy, Jane Sender, Ron DiCola and David Vine. Dan Warchol and Joe Teixeira were absent. Conservation Administrator Julia Godtfredsen was also in attendance.

**3. Minutes**

Paul Healy moved to approve the minutes of the June 16, 2020, meeting as submitted. Jane Sender seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**4. Old and New Business**

**Plum Island Updates**

The Mobi mats have been installed at 69<sup>th</sup> Street and the path from the parking lot to the beach. Signage and fencing was added to discourage the use of the pathways at 73<sup>rd</sup> Street and 75<sup>th</sup> Street and to direct the public to temporary pathways. The boardwalk will remain closed. The City will be working with GZA to develop a proposal for a feasibility study for dune preservation and restoration in this area.

**5. Certificates of Compliance, Requests for Determinations, Requests for Minor Modifications**

**Ron Guertin**

1 Spofford Street  
DEP File #051-1019

Tom Hughes represented the applicant, who removed three trees that were in poor condition. The stumps were left in place. A plan has been submitted showing the location of the three red pine saplings that were planted to replace them. Paul Healy moved to issue a Certificate of Compliance for DEP File #051-1019. Jane Sender seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**5 63<sup>rd</sup> Street**

**Approval of Condominium Documents**

Lisa Mead represented the applicant, Seacoast Homes, LLC. She submitted the Declaration of Trust and Master Deed of the 5 63<sup>rd</sup> Street Condominium. The Order of Conditions issued in 2019 included a special condition that the condominium association documents shall include the

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Order of Conditions, along with five perpetual conditions. The documents will be provided to buyers as a part of purchase and sale agreements. Neither the trustees nor the unit owners would be permitted to change the provisions of the documents. David Vine moved to approve the Condominium Documents for 5 63<sup>rd</sup> Street. Paul Healy seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**Jim Laverdiere**

7 Opportunity Way

Request for Determination of Applicability

Mike DeRosa represented the applicant, who is requesting a Negative 4 Determination to remove phragmites from the swales on his property on the basis the swales are drainage structures that are not subject to the Wetlands Protect Act. The scope of the project has changed since the applicant first submitted the request. The initial proposal was for the cutting of the phragmites. The applicant now wishes to excavate the roots from the swales. A list of native species that would be planted in the swales was submitted and the swales would be maintained to allow the flow of water. Jim Laverdiere said the roots of the phragmites are higher than the level of the parking lot, which is causing flooding and maintenance issues.

Julia Godtfredsen said the Commission has allowed property owners to excavate the material that has accumulated in the swales to the design elevation or the level of native soil. The work would require a Negative 2 or Negative 3 Determination because the swales are in the buffer zone. The applicant must submit a plan for the revised scope of work that includes erosion control and a location for stockpiling and dewatering the excavated material. It is not known if the pond at the entrance of the site is a part of the drainage system or natural wetland. The applicant would be required to determine this and file a Notice of Intent for any work in this area.

Paul Healy moved to continue the request to the July 21 meeting. Jane Sender seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**6. Public Hearings**

David Vine moved to open the public hearings. Jane Sender seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**Christopher Horan, Seacoast Homes, LLC**

192 Northern Boulevard

Notice of Intent

DEP File #051-1037

The applicant requested a continuance. Paul Healy moved to continue the public hearing to the July 21 meeting. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**Tom and Kris Melaragni**

3 Louise Street

Notice of Intent

Tom Hughes represented the applicant, who is proposing to demolish a single-family house and replace it with a new structure on pilings. The property is in the X and AE zones. Two existing sheds would be removed. The skirting around the new structure would be 2'-6" above grade. An elevated garage would be located on the first floor of the structure and would be accessed by a ramp with steel decking. Mr. Hughes said the grates on the decking would allow water to flow through and vegetation to grow underneath. The applicant was asked to provide specifications for the ramp material and examples of plant materials growing under this type of decking. A key must also be added to the plan.

The hearing was opened to comments from the public. Seamus McCormick, 146 Old Point Road, said it appears there would be more open space on the site than is there today.

David Vine moved to continue the public hearing to the July 21 meeting. Jane Sender seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**Robert Condon**

11 76th Street

Notice of Intent

The Notice of Intent was not complete. DEP requested more information and has not issued a file number. Jane Sender moved to continue the public hearing to the July 21 meeting. David Vine seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

Paul Healy moved to close the public hearings. Jane Sender seconded the motion. Jane Sender seconded the motion. The motion was approved by a 5-0 vote (Steve Moore, yes; Jane Sender, yes; Ron DiCola, yes; Paul Healy, yes; David Vine, yes).

**7. Old and New Business Continued**

**9 Doe Run Drive**

An Enforcement Order had been issued for a swimming pool that was installed in the wetland. The pool was removed and the area was replanted. The property owner now wants to reinstall the pool outside of the 25-foot no-disturb zone, but within the buffer zone in an area that is currently lawn. The pool would be drained and removed in the fall. It is possible that the pool would require some type of base, such as sand, that would be left in place throughout the year. The property owner will be asked for more information to determine if a letter permit would be sufficient or he would be required to submit an RDA.

**8. Adjournment**

Paul Healy moved to adjourn the meeting at 8:17 p.m. Jane Sender seconded the motion. The motion was unanimously approved.